

overlies a backing plate 32 to increase the overall thickness of the touch panel 10. The backing plate 32 is not touch sensitive. It is only the substrate 20 that is touch sensitive. *See e.g.*, col. 4, lns. 23-32. Contrary to the Examiner's contention, there is nothing in Weigers overlying the touch sensitive surface of the substrate 20 which could possibly form an acoustic wave absorbing material. Selig does not overcome this deficiency in Weigers since Selig does not disclose an acoustic wave absorbing material as claimed that is disposed between a deformable dome and the touch surface of an acoustic wave switch. Since neither Selig or Weigers discloses the claimed acoustic wave absorbing material disposed between a deformable dome and the touch sensitive surface of an acoustic wave switch such that in response to a force acting on the dome, the dome deforms and contacts the absorbing material and the absorbing material contacts the touch sensitive surface of the acoustic wave switch with sufficient pressure to actuate the acoustic wave switch as set forth in claims 21-23, Weigers and Selig cannot make obvious these claims under 35 U.S.C. §103. As such, claims 21-23 are believed to be allowable over the cited art. Moreover, with respect to claim 22 neither Weigers nor Selig discloses an acoustic wave absorbing material mounted on a surface of a dome as claimed. Further with respect to claim 23 neither Weigers nor Selig discloses an acoustic wave absorbing material that overlies the touch surface of the acoustic wave switch and that is spaced from a surface of the dome in the unactuated position of the dome as recited in claim 23. As such, claims 22 and 23 are further allowable over the cited references for these reasons.

Claims 24-28 are believed to be allowable over Weigers and Selig because none of these references disclosed an "acoustic wave absorbing material being spaced from the touch sensitive surface of the acoustic wave switch when the actuator is in an unactuated position and the acoustic wave absorbing material contacting the touch sensitive surface of the switch actuating the acoustic wave switch in response to a force acting on the actuator to move the acoustic wave

absorbing material into actuating contact with the touch sensitive surface of the acoustic wave switch" as claimed. Specifically, as discussed above, neither Weigers nor Selig discloses an acoustic wave absorbing material that is spaced from a touch sensitive surface of an acoustic wave switch. The touch sensitive surface of the touch panel 10 in Weigers is the substrate 20 and there is no acoustic wave absorbing material that overlies that surface in Weigers to actuate the switch. As noted above, the backing plate 32 is not touch sensitive and is merely provided to increase the overall thickness of the touch panel. Because neither Weigers nor Selig discloses the invention set forth in claims 24-28, these claims are believed to be allowable.

The rejection of claim 27 as obvious under 35 U.S.C. §103 in view of Weigers, Selig, Jaeger 6,606,081 and McLoone 6,556,150 is respectfully traversed.

Neither Jaeger nor McLoone overcome the deficiency noted above with respect to Weigers and Selig since neither of these references discloses the claimed acoustic wave absorbing material. Moreover, there is no suggestion to combine Jaeger and McLoone with Weigers and Selig since McLoone is directed to a rocker switch for a mouse and Jaeger merely discloses magnets to retain a fader cap controller to a glass cover of a display.

Claims 1-28 are believed to be allowable for the reasons discussed above. Reconsideration and allowance is respectfully requested.

Respectfully submitted,

Dated: Dec 12, 2005

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